
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA

v.

MIKELL ALLEN CUNNINGHAM

§
§
§
§
§
§
§

NO. 1:12-CR-119 (10)

**ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The court referred a petition alleging violations of supervised release conditions to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The court has received and considered the Report of the United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence.

At the close of the revocation hearing, U.S. Magistrate Judge Zack Hawthorn recommended:

1. that the court find that the Defendant violated all of the allegations in the petition;
2. that the Defendant's supervised release should be revoked pursuant to 18 U.S.C. § 3583; and
3. the Defendant should be sentenced to a term of 14 months' imprisonment, with four years of supervised release to follow. The court adopts the magistrate judge's findings for the imposition of the special conditions of supervised release. Cunningham's new four-year term of supervised release shall be supervised only by the U.S. Probation Office of the Eastern District of Texas.

The Government did not object to the magistrate judge's findings, but did object to the recommended sentence. The Government urges the court to consider a three-year term of imprisonment, the statutory maximum upon revocation, with no supervised release to follow.

The Government does not request a hearing before the court, but stands on the record presented before the magistrate judge.

The Defendant did not object to Report and Recommendation, but requested that he be allowed to reside in Atascocita, Texas (outside the Eastern District of Texas), after his sentence of imprisonment.

The court has considered the evidence and testimony presented at the hearing and finds that the findings of fact and conclusions of law of the magistrate judge are correct and therefore, the report of the magistrate judge is **ADOPTED**. It is therefore

ORDERED and **ADJUDGED** that the petition is **GRANTED**, the Government's objections are **OVERRULED**, and Mikell Allen Cunningham's supervised release is **REVOKED**. Cunningham's request to modify his conditions of supervised release to allow him to reside outside the Eastern District of Texas of Texas after his imprisonment is **DENIED**.

Judgment and commitment will be entered separately, in accordance with the magistrate judge's recommendations.

SIGNED at Beaumont, Texas, this 3rd day of July, 2019.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE